
By: Delegate Flanagan

Introduced and read first time: February 2, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Minority Business Enterprise Certification - Appeal Process**

3 FOR the purpose of providing that certain minority business enterprise regulations
4 adopted by the Board of Public Works include a provision that the decertification or
5 denial of certification of a minority business enterprise may be appealed to the
6 Office of Administrative Hearings.

7 BY repealing and reenacting, without amendments,
8 Article - State Finance and Procurement
9 Section 14-303(a)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Finance and Procurement
14 Section 14-303(b)(1)
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1995 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - State Finance and Procurement**

20 14-303.

21 (a) (1) In accordance with Title 10, Subtitle 1 of the State Government Article,
22 the Board shall adopt regulations consistent with the purposes of this Division II to carry
23 out the requirements of this subtitle.

24 (2) The regulations shall establish procedures to be followed by units,
25 prospective contractors, and successful bidders or offerors to maximize notice to, and the
26 opportunity to participate in the procurement process by, a broad range of minority
27 business enterprises.

28 (b) These regulations shall include:

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1 (1) provisions designating one agency to certify and decertify minority
2 business enterprises for all units through a single process that:

3 (I) meets applicable federal requirements; AND

4 (II) PROVIDES AN OPPORTUNITY TO APPEAL THE AGENCY'S
5 DECERTIFICATION OR DENIAL OF CERTIFICATION TO THE OFFICE OF
6 ADMINISTRATIVE HEARINGS;

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1996.